

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Mathias Rausch et al.

Title: NETWORK NODE

App. No.: 10/565,129

Filed: August 7, 2006

Examiner: Adnan Baig

Group Art Unit: 2461

Atty. Dkt. No.: SC12838EM

Confirmation No.: 7803

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

REMARKS IN SUPPORT OF PRE-APPEAL REQUEST FOR REVIEW

Dear Sir:

In response to the Final Office Action dated April 27, 2011, and pursuant to the Request for Pre-Appeal Review, the Applicants request review of the following issues on appeal.

The cited references fail to disclose or render obvious a predetermined fixed step value as provided by the claims

Claims 1, 3-6, and 11, 12, and 17-20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Le Scolan et al. (U.S. Patent No 7,058,729) Przelomiec (U.S. Patent No. 5,805,645), Sparrell (U.S. Patent No. 6,970,448) and Kotaki (U.S. Patent No 5,276,659). Claim 1 recites “in response to the difference between the first network timing information and the second network timing information exceeding the threshold, communicate the first fixed code value to a second computer node to request a change in network timing information associated with the second computer node **by a predetermined fixed step value** sufficiently small to avoid loss of local synchronisation with the plurality of other computer nodes in the first network.” As explained in the Response to Office Action submitted June 27, 2011 (the “Previous Response”), these features are not disclosed or rendered obvious by the cited references. In particular, the Office responds that Kotaki discloses at column 4, lines 10-48, a correction coefficient D that corresponds to the recited “predetermined fixed step value.” However, Kotaki discloses that the correction coefficient D is based on the difference between timing information associated with different network stations. *Kotaki*, col. 3, lines 20-38. The correction coefficient D also varies

depending on N (the number of times a correction has been made). *Id.* Thus, Kotaki specifically discloses that the coefficient D is a **variable** amount. However, claim 1 provides that the step value is a **fixed** value, and therefore the coefficient D cannot correspond to the recited “predetermined fixed step value.”

The Office further responds in the Advisory Action that the coefficient D is determined using an algorithm so that synchronization is determined by Kotaki in a step-like time variation, where the steps are repeated N times. However, as explained above, Kotaki discloses that the coefficient D changes based on N. Thus, Kotaki indicates that the step-like synchronization of Kotaki takes place in steps having different sizes, and does not indicate that the coefficient D is a fixed value. In other words, the Office appears to be taking the position that because the synchronization of Kotaki takes place in a “step-like time variation”, this implies that D is a fixed value. However, the Office’s assumption rests on the premise that a step-like time variation must take place according to steps that have the same size. However, this is nowhere disclosed by Kotaki. Rather, as explained above, Kotaki discloses that D varies based on the number N, and therefore each of the step-like variations, if they depend on the value D, will have a different size. Accordingly, Kotaki’s disclosure of a step-like time variation does not disclose a predetermined fixed step value in any manner.

The cited references fail to disclose or render obvious a fixed code value based on a sign of the difference between network timing information as provided by the claims

Claim 1 recites “in response to the difference between the first network timing information and the second network timing information exceeding a threshold, determine a **first fixed code value based on a sign of the difference between the first network timing information and the second network timing information.**” As explained in the Previous Response, these features are not disclosed or rendered obvious by the cited references. To illustrate, the Office asserts that Przelomiec discloses generating a fixed code value based on the sign of the difference between network timing information at column 6, lines 59-67. However, the cited portion discloses only that, if the separation between network timing codes exceeds a threshold, corrective action can be taken, such as adjusting clocks. Neither the cited portion, nor any other portion, discloses determining a fixed code value in any manner, and in particular the reference does not disclose or render obvious determining a fixed code value based on a sign of the difference between first and second network timing information.

The Office further asserts that Sparrell discloses a fixed code value in the form of a master synchronization code at column 8, lines 25-38 and column 9, lines 31-24. However, the cited portions disclose only that a code value can indicate timing information for a master clock. The cited portions do not disclose that the master synchronization code is a fixed code value based on the sign of the difference between network timing information. Accordingly, because neither Sparrell nor Przelomiec disclose or renders obvious the above-cited features of claim 1, their combination necessarily also fails to disclose or render these features obvious. .

Conclusion

The Applicants respectfully submit that the present application is in condition for allowance, and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed telephone number in order to expedite resolution of any issues and to expedite passage of the present application to issue, if any comments, questions, or suggestions arise in connection with the present application.

The Applicants believe no additional fees are due, but if the Commissioner believes additional fees are due, the Commissioner is hereby authorized to charge any fees, which may be required, or credit any overpayment, to Deposit Account Number 50-3797.

Respectfully submitted,

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Date